
Appeal Decision

Site visit made on 10 March 2020

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2020

Appeal Ref: APP/E2340/W/19/3243067

Thornlea, Lane House Lane, Trawden BB8 8SN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr & Mrs Nick Waring against the decision of Pendle Borough Council.
 - The application Ref 19/0701/FUL, dated 12 September 2019, was approved on 4 November 2019 and planning permission was granted subject to conditions.
 - The development permitted is change of use from agricultural land to domestic garden and erection of a detached garage.
 - The condition in dispute is No 4 which states that: Notwithstanding any indication on the approved plans, application form or supporting documents the windows and doors of the building hereby approved shall be of timber construction only. Details of the detailed design and finish of the windows and doors shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall be carried out in strict accordance with the approved details and thereafter any replacement windows and doors shall be in accordance with the approved details.
 - The reason given for the condition is: In order to preserve the character and appearance of the Conservation Area.
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Decision

1. The appeal is allowed and the planning permission Ref 19/0701/FUL for change of use from agricultural land to domestic garden and erection of a detached garage at Thornlea, Lane House Lane, Trawden BB8 8SN granted on 4 November 2019 by Pendle Borough Council, is varied by deleting condition 4 and substituting it for the following condition:
 - Prior to their installation, details of the design and finish of the windows and doors in the garage hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter any replacement windows or doors shall be in accordance with the approved details.

Background and Main Issue

2. The initial planning application granted consent for, amongst other things, the erection of a detached garage on land to the north of an existing detached dwelling. A condition was imposed requiring that the windows and doors of the garage are timber and that details of such should be submitted for approval.
3. The main issue is the effect of removing, or varying, the condition on the character or appearance of the Trawden Forest Conservation Area.

Reasons

4. The proposed garage sits adjacent to an existing detached dwelling which is accessed via a cobbled lane. The lane, which is formed from a previous tramline, also provides access to a small number of other dwellings and several garages and sheds of various styles and materials.
5. The appeal site is located within the Trawden Forest Conservation Area which is a substantial area characterised by farmland and small rural villages and hamlets comprising mainly of residential properties.
6. The original submission proposed the use of a uPVC door and window, and a poly-coated steel folding garage door. This element of the proposal was overridden by the disputed condition which requires the use of timber.
7. The garage door would be positioned on an elevation that does not have any direct views from any public vantage points. Any views that are possible from the footpath to the rear of the site are at such a distance that the detail and the material of the garage door would not be discernible. The proposed door and window are on elevations that would be largely screened by existing landscaping both within and adjacent to the site. Therefore, the proposed development would not be in a prominent or easily accessible position in the Conservation Area. Given these features, I do not consider that they would harm the significance of the historic tram tracks that run adjacent to the site.
8. The garage would be sited amongst other buildings and structures, which are made of various materials, including uPVC windows, and there are many such windows elsewhere in the Conservation Area. Therefore, non-timber windows would be acceptable within this context.
9. I accept the Council's argument that the presence of uPVC elsewhere does not in itself justify further harm. However, I find that the proposed use of uPVC in a relatively mundane utility building, positioned in a comparatively inconspicuous position, partially screened by landscaping, would preserve the character and appearance of the Conservation Area.
10. The Council outline that the proposal represents the construction of a new building on previously undeveloped agricultural land. They therefore consider that the reference in the Conservation Area Design and Development Guidance Supplementary Planning Document (SPD) to appropriate use of uPVC in extensions to dwellings which also have uPVC, does not apply. The result of the planning permission to which the appeal relates effectively brings the land within the curtilage of the dwelling, whereby the garage would be seen as an ancillary structure. And whilst the proposal does not constitute an extension to the dwelling as such, I consider that it would not be appropriate to consider it solely as a standalone building in isolation.
11. The Council has referred me to an appeal at land adjacent to Green Meadow that is also in the Trawden Forest Conservation Area. Although I do not have full details of the case, this appears to be for a development of much greater significance in terms of its scale and standing in the Conservation Area and is therefore not directly comparable to the proposal before me.
12. I note the concern expressed by Trawden Forest Parish Council that were the appeal to be allowed it could effectively set a precedent for future developments within the Parish. Each application and appeal must be

determined on its own individual merits, and a generalised concern of this nature does not justify withholding permission in this case.

13. For the above reasons, I find that, the requirement to use timber for the doors and windows is not necessary to preserve the character and the appearance of the Conservation Area. I am however conscious that poorly designed windows and doors can harm the character and appearance of a conservation area, and therefore whilst I will delete the condition that requires the use of timber, I will replace it with a condition that requires the submission of detailed designs for approval, recognising that there are numerous designs of uPVC windows and doors and garage doors, some more appropriate in this context than others.
14. I therefore conclude that varying the condition would preserve the character and appearance of the Trawden Forest Conservation Area. I find no conflict with Policies ENV1 and ENV2 of the Pendle Local Plan Part 1: Core Strategy (2015) which require, amongst other things, that the significance of any heritage asset, including conservation areas, is conserved and not harmed.
15. The proposal would comply with guidance contained in the National Planning Policy Framework (the Framework) which requires the conservation of heritage assets in a manner appropriate to their significance, and that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
16. The proposal would also comply with the requirement of Policy 6 of the Trawden Forest Neighbourhood Plan (2018) for development to, amongst other things, respect the setting, character, and appearance of Heritage Assets.
17. There is minor conflict with the Conservation Area Design and Development Guidance SPD (2008) which outlines that uPVC windows will not normally be acceptable in conservation areas and uPVC doors or other modern styles will not normally be appropriate. I have however concluded that due to the specific circumstances of the site and the proposal, the proposal would not be unacceptable.

Conclusion

18. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal is allowed.

A M Nilsson

INSPECTOR